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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 JOHN CAPADANNO,

11 Plaintiff,

12 v.

13 AT&T CORP,

14 Defendants.  
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CASE NO. C20-1690 MJP

ORDER DENYING MOTION TO  
APPOINT COUNSEL

18 This matter comes before the Court on Plaintiff's Motion to Appoint Counsel. (Dkt. No.  
19 12.) Having reviewed the Motion and the relevant portions of the record, the Court DENIES  
20 Plaintiff's Motion.

21 The Court has discretion to appoint counsel for indigent civil litigants pursuant to 28  
22 U.S.C. § 1915(e)(1), but an appointment of counsel should only be granted under "exceptional  
23 circumstances." Agyeman v. Corrections Corp. of Am., 390 F.3d 1101, 1103 (9th Cir. 2004).

24 "A finding of the exceptional circumstances of the plaintiff seeking assistance requires at least an

1 evaluation of the likelihood of the plaintiff's success on the merits and an evaluation of the  
2 plaintiff's ability to articulate his claims in light of the complexity of the legal issues involved."

3 Id. (internal quotations omitted).

4 Plaintiff has not demonstrated the merits of his claims in his Motion for Appointment of  
5 Counsel, and the Court is unable to find sufficient merit on the face of his complaint to warrant  
6 appointment. Plaintiff has not presented exceptional circumstances that would justify the  
7 appointment of counsel at this time. Plaintiff's motion to appoint counsel is DENIED.

8 The clerk is ordered to provide copies of this order to Plaintiff and counsel.

9 Dated February 8, 2021.

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11 Marsha J. Pechman  
12 United States District Judge  
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